

**Introduced by Senator Maldonado**

February 17, 2005

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An act to add Section 6608.7 to the Welfare and Institutions Code, relating to mental health.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 383, as introduced, Maldonado. State Department of Mental Health: sexually violent predators.

Existing law requires the Director of Corrections, prior to the release of a person from custody resulting from conviction for certain crimes of a sexual nature against 2 or more victims, to refer the person to the State Department of Mental Health for evaluation. The law authorizes civil commitment, as a sexually violent predator, to the custody of the State Department of Mental Health for treatment of the person's diagnosed mental disorder if the person is adjudicated to be likely to engage in sexually violent criminal behavior if discharged.

Under existing law, if the Director of Mental Health determines that the committed person's diagnosed mental disorder has so changed that the person is no longer likely to commit acts of predatory sexual violence while under supervision and treatment in the community, the director is required to forward a report and recommendation for conditional release to the superior court and the court is required to set a hearing. Also, under existing law, a person who has been committed as a sexually violent predator may petition the court for conditional release with or without the recommendation or concurrence of the Director of Mental Health.

Under existing law, if the court determines that the committed person no longer poses a danger, the court is required to order the committed person placed for one year with an appropriate forensic conditional release program operated by the state.

This bill would authorize the State Department of Mental Health to contract with the Department of Corrections for supervision of sexually violent predators who have been conditionally released into the community under the forensic conditional release program.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 6608.7 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 6608.7. The State Department of Mental Health may contract
- 4 with the Department of Corrections for the supervision of
- 5 sexually violent predators who have been conditionally released
- 6 into the community under the forensic conditional release
- 7 program pursuant to this article.